

FCC MAIL SECTION

DOCKET FILE COPY ORIGINAL

SEP 24 10 57 AM '96

Federal Communications Commission

DA 96-1547

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 96-4
Table of Allotments,) RM-8733
FM Broadcast Stations.)
(Salem and Cherokee Village, Arkansas))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 13, 1996

Released: September 20, 1996

By the Chief, Allocations Branch:

1. The Commission considers herein the *Notice of Proposed Rule Making* ("Notice"), 11 FCC Rcd 1082 (1996), issued in response to a petition filed on behalf of Bragg Broadcasting Corporation ("petitioner"), licensee of Station KSAR(FM), Channel 240A, Salem, Arkansas, and KFCM, Inc., licensee of Station KFCM(FM), Channel 265A, Cherokee Village, Arkansas.¹ The *Notice* proposed the substitution of Channel 265A for Channel 240A at Salem, in addition to the substitution of Channel 252A for Channel 265A at Cherokee Village, to accommodate the Salem substitution, and the concomitant modification of the license for Stations KSAR(FM) and KFCM(FM) respectively. Petitioner filed supporting comments in response to the *Notice*. No other comments were received.

2. As indicated in the *Notice*, petitioner's proposal is premised on its desire to increase the effective radiated power of Station KSAR(FM) to full Class A facilities, a benefit from which is it presently precluded due to minimum distance separation constraints. Petitioner comments that the substitution of channels at Salem and Cherokee Village will enable it to achieve its goal to improve the facilities of Station KSAR(FM).

3. Based upon the above, we will grant the petitioner's modification request to enable it to provide an improved coverage FM service to the residents of Salem and its environs. Additionally, we will substitute Channel 252A for Channel 265A at Cherokee Village, to accommodate the requested modification of Station KSAR(FM) to operate on Channel 265A at Salem, Arkansas.

4. Channel 265A can be allotted to Salem in conformity with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules at the petitioner's suggested site, located 5.5 kilometers (3.4 miles) west of Salem at coordinates 36-25-00 and 91-

Federal Communications Commission

DA 96-1547

48-00.² Additionally, Channel 252A can be allotted to Cherokee Village at the authorized site of Station KFCM(FM) at coordinates 36-16-29 and 91-30-18.³

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 4, 1996, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to Salem and Cherokee Village, Arkansas, as follows:

<u>City</u>	<u>Channel No.</u>
Salem, Arkansas	265A
Cherokee Village, Arkansas	252A

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the licenses of Bragg Broadcasting Corporation for Station KSAR(FM), Salem, Arkansas, and of KFCM, Inc. for Station KFCM(FM), Cherokee Village, Arkansas, ARE MODIFIED to specify operation on Channels 265A and 252A, respectively, in lieu of their present operation on Channels 240A and 265A, respectively, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in the authorizations for Stations KSAR(FM) and KFCM(FM), except the channels as specified above. Any other changes, except those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for a construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the stations'

²The site restriction is required to negate a short spacing to the authorized site of Station KAWW-FM, Channel 264C2, Heber Springs, Arkansas, at coordinates 35-27-26 and 92-02-11.

³As stated in the *Notice*, the coordinates for Channel 252A at Cherokee Village are short-spaced to the licensed site of Station KTLO-FM, Channel 252A, Mountain Home, Arkansas, at coordinates 36-20-55 and 92-23-59. However, Station KTLO-FM was modified to specify operation on Channel 250C2 in MM Docket No. 92-176, and therefore, is no longer entitled to protection for Channel 252A. See 8 FCC Rcd 5061 (1993). Moreover, the coordinates at the site specified in Station KTLO-FM's construction permit for Channel 250C2 (File No. BPH-940914IF), which are those at its presently authorized site, are fully spaced to proposed Channel 252A at Cherokee Village. Therefore, and as a result of the ultimate determination reached herein, we will serve a copy of this *Report and Order* on KTLO Limited Partnership, the licensee of Station KTLO-FM.

authorizations except for the channels as specified above, and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

7. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to the licensee of Station KTOL-FM, as follows:

KTLO Limited Partnership
Post Office Box C
Mountain Home, AR 72653.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau